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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,651	01/30/2001	Lawrence G. Bahler	111972.125	1017

7590 07/28/2003

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EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 07/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/772,651

Applicant(s)

BAHLER ET AL.

Examiner

Joseph P. Hirl

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 16-19 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

1. Claims 1-23 are pending in this application.
2. The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

***Restriction***

3. During a telephone conversation with Gregory Discher, attorney for Applicant, on July 16-18, 2003, a provisional election was made without traverse to prosecute the invention of Forming a Contract between two parties related to a word sequence identification, claims 16-19. Affirmation of this election must be made by applicant in replying to this Office action. Claims 16-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-15 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The practical application test requires that a useful, concrete and tangible result be accomplished. Claims 1-15 represent abstract methodology and therefore are intangible. The consequence is non-statutory.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

7. Claims 1-15 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Mostow et al (U. S. Patent 5,920,838, referred to as **Mostow**).

**Claims 1, 20, 22**

Mostow anticipates receiving the information-bearing notification from a sender of the notification (**Mostow**, col 3, lines 3-5); presenting the information-bearing notification, including a presenting a word sequence, to the recipient (**Mostow**, col 3, lines 3-5); accepting an audio input in response to presenting the word sequence (**Mostow**, col 3, lines 3-5); determining whether the accepted audio input includes the recipient speaking the presented word sequence (**Mostow**, col 3, lines 3-5); and if the accepted audio includes the recipient speaking the presented word sequence, transmitting a confirmation to the sender of the notification (**Mostow**, col 3, lines 21-22).

**Claims 2, 21, 23**

Mostow anticipates determining whether the accepted audio input includes the voice of an intended recipient, and transmitting the confirmation to the sender if the accepted audio both includes the recipient speaking the presented word sequence and the accepted audio includes the voice of the intended recipient (**Mostow**, col 2, lines 22-25; Examiner's Note (EN): since there will typically be only one recipient at a time, the voice of the intended recipient will not be ambiguous; see Para 2 above).

**Claim 3**

Mostow anticipates presenting the word sequence to the recipient includes presenting a graphical representation of the word sequence (**Mostow**, col 3, lines 3-5).

**Claim 4**

Mostow anticipates presenting the graphical representation of the word sequence includes presenting said graphical representation on a display (**Mostow**, col 3, lines 3-5).

**Claim 5**

Mostow anticipates presenting the word sequence to the recipient includes presenting an audible representation of the word sequence (**Mostow**, col 3, lines 23-24).

**Claim 6**

Mostow anticipates presenting the audible representation of the word sequence includes playing a stored audio recording of the word sequence (**Mostow**, col 3, lines 23-24).

**Claim 7**

Mostow anticipates presenting the audible representation of the word sequence includes applying a speech synthesis algorithm to the word sequence to form the audible representation (Mostow, col 2, lines 25-26; EN: to one of ordinary skill in the art, the conversion from stored word in a PC (memory) to the audible form will of necessity be done using some generic transition algorithm (speech synthesis)).

**Claim 8**

Mostow anticipates presenting the audible representation of the word sequence includes transmuting the audible representation over a telephone network and accepting the audio response includes receiving the audio response over the telephone network (Mostow, col 8, lines 27-29).

**Claim 9**

Mostow anticipates determining whether the accepted audio input includes the recipient speaking the word sequence includes applying a speech recognition algorithm to the accepted audio input (Mostow, col 5, lines 12-22).

**Claim 10**

Mostow anticipates applying the speech recognition algorithm includes computing a resulting word sequence from the audio input and determining whether the audio input includes the recipient speaking the word sequence includes comparing the resulting word sequence to the word sequence of the notification (Mostow, col 5, lines 12-22).

**Claim 11**

Mostow anticipates applying the speech recognition algorithm includes time-aligning the word sequence of the notification and the audio input (**Mostow**, col 4, lines 13-21).

**Claim 12**

Mostow anticipates applying the speech recognition algorithm includes computing a match score characterizing a similarity between the word sequence and the audio input (**Mostow**, col 9, lines 6-25).

**Claim 13**

Mostow anticipates determining whether the audio input includes the recipient speaking the word sequence includes comparing the match score with a threshold score (**Mostow**, col 9, lines 6-25; EN: "thresholding on confidence estimates" is synonymous with "comparing the match score with a threshold score").

**Claim 14**

Mostow anticipates accepting the audio input includes accepting a plurality of segments of the audio input each associated with a different part of the word sequence of the notification, and wherein determining whether the accepted audio input includes the recipient speaking the word sequence includes determining whether each of the plurality of segments of the audio input includes the recipient speaking the associated part of the word sequence (**Mostow**, col 5, lines 13-22; see comments of Claim 2).

**Claim 15**

Mostow anticipates presenting the word sequence includes presenting each of the different parts of the word sequence in turn and accepting the audio input associated with that part before presenting another of the different parts (~~Mostow~~, col 5, lines 13-22).

***Conclusion***

8. Claims 16-19 are Restricted. Claims 1-15 and 20-23 are rejected.

***Correspondence Information***

9. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anil Khatri can be reached at (703) 305-0282.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,  
Washington, D. C. 20231;



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or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7290 (for informal or draft communications with notation of  
"Proposed" or "Draft" for the desk of the Examiner).

Hand-delivered responses should be brought to:


Receptionist, Crystal Park II

2121 Crystal Drive,

Arlington, Virginia.

Joseph P. Hirl

July 22, 2003

  
ANIL KHATRI  
PRIMARY EXAMINER